

REMARKS

Claims 1-3 and 9 remain pending in the present application. Claims 4-8 have been withdrawn by the Examiner. No claims have been amended.

The undersigned attorney would like to thank Examiner Joyce for courtesies extended to him during the interview on March 8, 2007. During the interview, the Examiner's combination was discussed.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The Examiner has rejected Claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over Ogura et al. (U.S. Patent No. 6,712,707) in view of Ouchi (WO02/28668) and Sutton (U.S. Patent No. 5,261,149). Also, the Examiner has rejected Claim 9 in view of the above references further in view of Rutter et al. (U.S. Patent No. 6,682,221).

Claim 1 defines, among other elements, a bearing apparatus for a vehicle which includes a wheel hub, an inner ring, an outer joint, and a pre-loading means formed in a serration portion between the stem portion of the outer joint member and the wheel hub. Also, it includes a fastening means combined with the wheel hub and the outer joint member. The fastening means includes a fastener and a bore in the outer joint member to receive the fastener. A release means is adapted to be arranged on the wheel hub to remove the outer joint member from the wheel hub. The release means utilizes the bore in the outer joint member to remove the outer joint member.

The references relied on by the Examiner fail to disclose or suggest Applicant's claims. First, the Examiner starts with Ogura et al. and points to Fig. 5. The Examiner states that Ogura et al. illustrates some of the claimed features. However, the Examiner

acknowledges that Ogura et al. does not illustrate a pre-loading means formed in the serration portion nor does it disclose a release means adapted to be arranged on the wheel hub to remove the outer joint member from the wheel hub. The Examiner selects the Ouchi reference to allegedly teach a preloading means. Next, the Examiner applies Sutton to allegedly provide a release means.

The Ouchi reference cited by the Examiner does not speak to a pre-loaded means as in Applicant's claims. Ouchi, as indicated by the Examiner on page 25, mentions that the spline shaft may have a so-called twisted spline to fit together such that there is no play in the direction of rotation. This reference does not disclose that a preload is present in the serration fitting portion. Nowhere in the reference does it suggest the preloading of one part with respect to the other. It only suggests that there is a reduction of play between the two parts. Thus, Ouchi does not provide any teaching of the preload as claimed by Applicant.

Further, the Examiner applies the Sutton reference. Sutton relates to a screw puller for a hub pulling device. The Examiner alleges that Figs. 8 and 9 provide insight into Applicant's claims. First, Sutton illustrates a positioning member 14 which includes a cylindrical housing 15. The cylindrical housing 15 receives the inserts illustrated in Figs. 8-10. The inserts include a shaft to secure into a bore 36 in the bottom of the cylindrical member 15. When the Sutton reference is combined with the other two references, the cylindrical housing (15) of Sutton would abut against the wheel hub 101 of Fig. 5. The insert illustrated in Sutton would extend through the bore in the wheel hub but the insert would not contact the outer member. Thus, the combination teaches away from Applicant's claims.

Further, Sutton relates to a pulling mechanism. The Sutton device is utilized to pull, as illustrated in Fig. 1, hubs or pulleys. One skilled in the art would not look to this pulling mechanism in order to provide a pushing force to remove the outer member as in Applicant's claims.

Accordingly, Applicant believes that the Examiner is utilizing improper hindsight in combining the three references. The Examiner has taken a small, in the case of Ouchi, a single paragraph, as well as a single paragraph of Sutton, and applied these references to the Ogura et al. reference. The Examiner has disregarded the teachings of both Ouchi and Sutton as a whole as required under 35 U.S.C. §103. Accordingly, this random picking and choosing of isolated elements from both Ouchi and Sutton, which have no common nexus to one another, is an improper hindsight reconstruction under 35 U.S.C. §103.

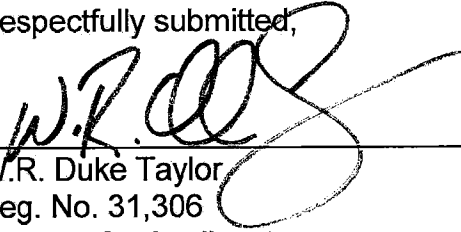
Regarding Claim 9, the combination of Rutter et al. with the three references fails to overcome the deficiencies of the combined three references.

Accordingly, Applicant believes Claim 1, and depending Claims 2-3 and 9, to be patentably distinct over the Examiner's combinations.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at his earliest possible convenience.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,



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